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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,476	03/01/2004	Andrew Scott Gavin	PA2729US	2088
22830	7590	04/05/2006	EXAMINER	
CARR & FERRELL LLP 2200 GENG ROAD PALO ALTO, CA 94303			KARKHANIS, AASHISH	
			ART UNIT	PAPER NUMBER
			3714	

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/791,476	<b>Applicant(s)</b> GAVIN ET AL.	
	<b>Examiner</b> Aashish Karkhanis	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 March 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/14/05, 3/9/06</u> | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 7, 10, 12 – 16 and 20 – 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Miyamoto et al. (U.S. Patent 6,139,433).

Regarding Claims 1 – 6, 10, and 12 – 16, Miyamoto discloses a method for providing game information to a user including monitoring a state of a character in a game environment, and presenting game information to the user based on the state of the character within a context of the game environment without using indicators extraneous to the same environment by visually changing the state of the character through its position, defining a new action for the character, and modifying a direction of orientation of a head of the character within a range of motion appropriate to the character, all of which physically modify the character, and may modify a component of the character not controllable by the user (col. 3, lins. 50 – 67; where a game character reacts to environmental factors visually, such as tilting its head and coughing in the presence of noxious gas, which is a non-player controlled action that gives visual information about the character's environment, modifies the character's position by animating a coughing sequence, and defines a new action for the character based on environmental input) (col. 39, lins. 15 – 19; where a character's head may also be

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turned within a game environment from directly behind a player controlled camera to show the character's view to a player).

Regarding Claim 7, Miyamoto discloses presenting audio information (col. 45, lins. 6 – 9; where coughing audio is included in a coughing animation sequence).

Regarding Claims 20 – 21, Miyamoto discloses an electronic-readable medium having embodied thereon a program (col. 13, lins. 63 – 67; where a game cartridge is an electronic-readable game medium storing a game program) executable by a machine to perform a method for providing game information to a user (col. 14, lins. 52 – 65; where a processor is used to execute a game program contained on a connected cartridge) including monitoring a state of a character in a game environment and presenting game information to the user based on the state of the character within a context of the game environment without using indicators extraneous to-the game environment (col. 3, lins. 50 – 67; where a game character reacts to environmental factors visually, and where the character's physical reaction to its environment relays information to a player without extraneous indicators).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 – 9, 11 and 17 – 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyamoto in view of Best (U.S. Patent 5,358,259).

Regarding Claims 8 – 9 and 11, Miyamoto discloses presenting audio information to the user by initiating playback of audio signals (col. 3, lins. 50 – 67; where a game character reacts to environmental factors audibly, such as tilting its head and coughing in the presence of noxious gas) and through the interactions of a game character in a game environment and interactions of a player character with other characters (col. 28, lins. 5 – 8), but does not disclose a character exchanging statements with another character who is present throughout the game environment. However, Best teaches a game where audio information is presented to player as statements by another character in the game environment who is a companion to the character that is present with the character throughout the game environment (col. 3, lins. 15 – 21; where human players may interact conversationally with characters in a game environment who are inherently present with the player throughout the game environment while a player is interacting with a character). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the game environment of Miyamoto where a player character interacts with other characters with the audio conversation method of player and character interaction as taught by Best in order to create a more immersive and natural game environment for a player.

Regarding Claims 17 – 19, Miyamoto discloses an audio information module configured to monitor a state of the character in the game environment and to select an appropriate audio signal of the audio signals based on the state, where state of the character in the game environment is a position of the character, or an action of the character (col. 3, lins. 50 – 67; where a game character reacts to environmental factors

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audibly, such as tilting its head and coughing in the presence of noxious gas, which is a non-player controlled action that gives audible information about the character's environment, modifies the character's position by animating a coughing sequence, and defines a new action for the character based on environmental input).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1 – 21 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 4,445,187 A: Video games with voice dialog.

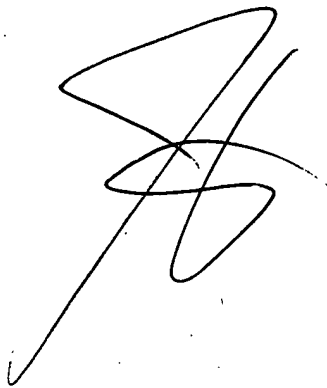
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aashish Karkhanis whose telephone number is 571-272-2774. The examiner can normally be reached on 0800-1630 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Jones can be reached on (571) 272-4438. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ARK

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by a series of loops and a long, sweeping tail that extends downwards and to the left.

**JOHN M. NOTALING, II**  
**PRIMARY EXAMINER**